IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.166 OF 2007

Shri Ramesh S. Parkar : Appellant
(Orig.Plaintiff)

V/s.

Municipal Corporation of Greater Mumbai
& Ors. : Respondents
(Orig.Defendants

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Mr.Madhav J. Jamdar for the appellant.

Ms Geeta Jogalekar for respondent no.1.

Mr.G.D.Utangale i/b. M/s.Utangale & Co., for respondent no.2.

Mr.G.S.Bhat for respondent no.3.

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CORAM : S.A.BOBDE, J.

DATE : JULY 02, 2007.

P.C.

1. This appeal is preferred against the order of the City Civil Court dated 24.1.2007, inter alia, dismissing the appellant's Notice of Motion for contempt. The learned City Civil Court decided two Notices of Motion, one bearing no.3902 of 2004 and another bearing no.439 of 2004. The learned counsel for the appellant states that

the subject-matter of Notice of Motion no.439 of 2004 is the subject of another appeal from order and he does not wish to make any submission in that regard.

2. As regards Notice of Motion no.3902 of 2004 for contempt, it appears that the appellant had sought for and was granted an order of status quo by the Civil Court. The appellant had sought an injunction restraining the defendants from parting with possession or creating third-party rights in respect of the suit shop which had been constructed under the SRA scheme. The learned trial Court had granted an order of status quo, as observed earlier. It, however, appears that the appellant moved the trial Court for action for breach of injunction on the ground that certain renovation was alleged to have been made by the respondents in respect of the suit shop. According to the appellant, the order of status quo prevented the respondents from making any renovation also. The learned trial Court which passed the order of status quo has considered the submission of the parties and has come to the conclusion that the appellant’s grievance is unfounded. The trial Court has found that there is, in substance, no breach of the order of the trial Court, having regard to the nature of injunction that was sought. The trial Court has further observed that even if it is presumed that the defendant no.1 carried out some

construction on the suit room, it does not amount to disobedience of the order of injunction.

3. I find no illegality in the order of the trial Court. After all, orders of injunction should be understood with reference to the nature of disputes between the parties and what the orders intend to prevent or direct to be done. If, in the present case, the status quo was ordered in the context of an apprehension that the defendants may create third-party rights, it would not be appropriate to say that the order of status quo is breached if the defendants have done some renovation which is necessary, according to them.

4. In these circumstances, there is no merit in the appeal which is hereby dismissed.

S.A. BOBDE, J.